

EXHIBIT C

DEFENDANT

OFFICER DIAZ

DEPOSITION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAMILAH BROCK,

Plaintiff,

Index No: 15-CV-01832
(VSB)

-against-

THE CITY OF NEW YORK, ET AL.,

Defendant.

32 Old Slip
New York, New York

February 26, 2016
10:25 A.M.

EXAMINATION BEFORE TRIAL of SALVADOR
DIAZ, on behalf of the Defendant herein in the
above-captioned action, pursuant to Notice,
held at the above-noted time and place before
Gabrina Annunziata, a Notary Public of the
State of New York.

A P P E A R A N C E S

LAW OFFICES OF MICHAEL S. LAMONSOFF, ESQS.
Attorney for Plaintiff
32 Old Slip, 8th Floor
New York, New York 10005

BY: RYAN J. LAWLOR ESQ.

ZACHARY W. CARTER, ESQS.
Attorney for Defendant
100 Church Street
New York, New York 10007

BY: JOSHUA LAX, ESQ.

ALSO PRESENT:

JESSICA MASSIMI

1 S. DIAZ

2 trained under the mental health law for school
3 safety?

4 A I believe I said that I didn't
5 remember.

6 Q And what about with NYPD?

7 A I mean, I remember we spoke
8 about it during the training, but I don't
9 quite remember all the details.

10 Q So if I asked you do you know
11 what section 9.41 of the mental health law is
12 would you know what that is?

13 A Not out of my head right now,
14 no.

15 Q Are you given a copy of the
16 mental health law at the NYPD academy?

17 A I don't recall.

18 Q Are you given a copy of the
19 constitution?

20 A No.

21 Q Did a time come when you
22 started working at PSA 6?

23 A Say that again.

24 Q Did a time come when you
25 started working at PSA 6?

1 S. DIAZ

2 A What do you mean?

3 Q Interaction with an EDP.

4 A Have I had an interaction with
5 an EDP before?

6 Q Before September 13th while you
7 were at PSA 6 which I think you said you got
8 to it about February 14th?

9 A Yes.

10 Q Do you remember the nature of
11 that last interaction, what had happened, who
12 you were dealing with? Not the person's name,
13 but just what occurred.

14 A There is so many that I don't
15 want to get confused.

16 Q Just the best that you can
17 remember.

18 A If I'm not mistaken I think it
19 was a girl that the mother called that they
20 assumed the daughter got provided with some
21 drugs and she was seeing things and speaking
22 to herself and said that she wanted to jump
23 off the roof so we went and rendered the aid
24 and took her to the hospital.

25 Q So she had expressed suicidal

1 S. DIAZ

2 thoughts?

3 A Yes.

4 Q To the best of your memory that
5 was the last interaction with an EDP prior to
6 September 13th, 2014?

7 A Yes.

8 Q So you got back to PSA 6 and
9 you were on I believe it's called 62
10 administrative. Did a time come that you
11 began to interact with a person known as
12 Kamilah Brock?

13 A Yes.

14 MR. LAX: I need to use the
15 men's room.

16 (Whereupon, a discussion was
17 held off the record.)

18 Q I think I had turned your
19 attention to your interaction with Ms. Brock,
20 but before we get there there is just some
21 housekeeping to follow-up on. During the
22 course of your tours is there a particular
23 place where you document what occurs on your
24 tour?

25 A What do you mean by a place?

1 S. DIAZ

2 Q Not on you. But do you have it
3 right now by chance?

4 A No.

5 Q Do you have it at all?

6 A Yes.

7 MR. LAWLOR: We'll follow-up in
8 writing. I don't think we were ever
9 served with any memo book pages from
10 him.

11 MR. LAX: We did produce it.
12 It's bates stamp number three
13 something. It's not in the initial
14 disclosures. It was the next
15 production.

16 (Whereupon, a discussion was
17 held off the record.)

18 Q When interacting with an EDP is
19 there any other forms that need to be filled
20 out other than your memo book? Is there a
21 particular document that hey, when it's an EDP
22 it has to be this as opposed to the memo book?

23 A For EDP's you do an aided card.

24 Q And what is that?

25 A An aided card is when you

1 S. DIAZ

2 document aided cases.

3 Q What are aided cases?

4 A Aided cases could be anything
5 from a person deceased, injured person, sick,
6 mental person which is classified as an EDP.

7 Q So it would be something that
8 you would fill out in a non-arrest situation?

9 A Yes. Even if there is an
10 arrest, I'm sorry. If you're a victim of an
11 assault. Yeah, non-arrest situation, I'm
12 sorry.

13 Q Now, do you fill that out after
14 the fact at the precinct or while you're in
15 the middle of it, something else?

16 A After the fact when you have
17 time.

18 Q Who does that get turned into?

19 A To the desk officer.

20 Q Does it have to be completed by
21 the end of your tour?

22 A Yes.

23 Q I just want to jump back to the
24 last EDP that you had dealt with while at PSA
25 6 prior to September 13th of 2014 and I'm

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S. DIAZ

referring to the girl that you helped. I believe you said the mother called in and then you went to the location?

A Yes.

Q When you arrived at the location did you interact with this person that was allegedly having an issue?

A Yes, I did.

Q What did you observe at that time?

A From what I remember?

Q Everything that you can remember.

A I believe she was incoherent when she was talking, she mentioned something that God told her to do. But before that I spoke to the mother and she told me the situation and that she wanted to take her daughter to the hospital.

Q Did the mother at that time reiterate that she had said she wanted to jump off the bridge?

A I did not say the bridge.

Q Tall building or the roof?

1 S. DIAZ

2 A I said roof, yes.

3 Q That was part of initial call
4 that you received, right?

5 A No. When you get the call it's
6 usually they tell you it's an EDP either
7 violent or non-violent. They don't really
8 give you all the details unless the person who
9 calls gives the details on what the person is
10 doing. For example, if you call and you say
11 I'm calling for my mother, she's hearing
12 voices, stuff like that that's what we get.
13 Sometimes when you get to the scene there is a
14 little more to the story.

15 Q When you said that sometimes in
16 the call they'll tell them if they're violent
17 or non-violent does that change your approach
18 to the situation?

19 A In what sense?

20 Q Do you approach an EDP a
21 certain way if you know in advance if they're
22 violent as opposed to if they're non-violent?

23 A You are more cautious.

24 Q And I believe you said when you
25 approached this woman she was incoherent and

1 S. DIAZ

2 that she was saying that God had told her to
3 do something?

4 A Yes.

5 Q And this was in her home or her
6 mother's home or if it's the same thing?

7 A Same place.

8 Q Do you remember how old she was
9 general age?

10 A I know she was in high school.
11 She was either 17, 16, 18.

12 Q When you got there you had
13 called an ambulance?

14 A When you get the call an
15 ambulance is dispatched automatically.

16 Q When you get the call you mean
17 regarding an EDP?

18 A Yes.

19 Q So an ambulance is
20 automatically dispatched?

21 A Yes.

22 Q I'm going to now go back to
23 September 13th. Actually, one more thing.
24 Other than basic CPR do you have any medical
25 training in your history?

1 S. DIAZ

2 MR. LAX: Objection.

3 MR. LAWLOR: Withdrawn.

4 Q Do you have any medical
5 training in your history?

6 A Training in what sense?

7 Q In the academy do you learn
8 basic life saving techniques?

9 A Basics like CPR?

10 Q Yes.

11 A Yes.

12 Q Do you have any medical
13 training beyond that?

14 MR. LAX: Objection.

15 A You have to be more specific.

16 Q What medical training did you
17 receive in the academy?

18 A The academy is not a medical
19 school so I need you to be more specific.

20 Q What did you learn medical wise
21 in the academy?

22 MR. LAX: Objection.

23 A I still don't understand the
24 question because it's not --

25 Q Do they teach you how to do CPR

1 S. DIAZ

2 in the academy?

3 A Yes.

4 Q Were you ever an EMT or a
5 paramedic before you became an NYPD officer?

6 A No.

7 Q In your experience dealing with
8 EDP's and the ambulance and coming to the
9 scene do the EMT's or the paramedics ask the
10 EDP any specific questions that you can recall
11 that you usually see asked when you've
12 encountered this?

13 A They usually speak to them by
14 themselves. We don't get involved in their
15 conversation.

16 Q So now I'm going to go back to
17 September 13th of 2014. I had asked you
18 earlier I believe did you have an interaction
19 with Ms. Brock. Is that accurate?

20 A Yes.

21 Q How did you first come to
22 interaction with Ms. Brock?

23 A Someone told me to go speak to
24 her.

25 Q Who was that?

1 S. DIAZ

2 front desk?

3 A Yes.

4 Q Do you know what portions of
5 the exterior it captures; the front where the
6 cars are, something else?

7 A No, I have no idea.

8 Q Do you know if it's just a live
9 feed or does it record?

10 A I can't tell you because I
11 don't deal with the cameras.

12 Q I know. But I'm just wondering
13 in your experience have they ever had to use
14 footage from the precinct for another purpose
15 that would let you know yes, it is recorded?

16 A Not that I recall. Not that
17 I'm aware of.

18 Q So I believe you said where
19 were you when you received the news to go
20 speak to Ms. Brock?

21 A I was inside the precinct, but
22 I'm not a hundred percent sure if I was behind
23 the desk or near the desk.

24 Q Do you remember where you were
25 told to meet her?

1 S. DIAZ

2 A She was by the gate.

3 Q Is the gate something that's
4 inside the precinct or somewhere else?

5 A Inside.

6 Q Why is it called the gate?

7 A Because there is a gate.

8 Q Is it a little gate to prevent
9 people from walking back to where the officers
10 are?

11 A Yes.

12 Q Where is it in relation to the
13 desk?

14 A This is the gate and the desk
15 is right there right where the plant is maybe
16 like four feet from the desk, five feet
17 (indicating).

18 Q It's the same general area?

19 A Yes.

20 Q So the person at the desk could
21 observe this other person if they were near
22 the gate?

23 A Yes.

24 Q Do you remember for what
25 reason, if any, they wanted you to talk to

1 S. DIAZ

2 this person?

3 A Because I believe she was
4 requesting assistance for a car.

5 Q Did you go speak to her?

6 A Yes, I did.

7 Q And when you approached her do
8 you recall what she was wearing?

9 A No, I don't recall.

10 Q Do you remember what she looks
11 like?

12 A Yes.

13 Q Can you describe her?

14 A She is an African American
15 female, if I'm not mistaken she had dreadlocks
16 or braids. I think she was about 5'3, 5'5,
17 approximately.

18 Q Did she have anything with her
19 at the time; a bag, a purse or something like
20 that?

21 A Not that I recall. I don't
22 think so, no.

23 Q When you approached her was
24 there anything in her hands?

25 A Not that I remember, no.

1 S. DIAZ

2 Q When you approached her could
3 you describe her demeanor?

4 A She was a little excited.

5 Q Who spoke first, her or you?

6 A I asked her what is it that you
7 need, can I help you.

8 Q And what did she say?

9 A She started telling me a story.

10 Q What's the story?

11 A A story about that the cops
12 took her car.

13 Q What, if anything, did you say
14 in response to the story?

15 A I told her to explain to me
16 what do you mean by they took your car.

17 Q And what did she say?

18 A She said that she was driving
19 with her hands like this (indicating).

20 Q Gesturing her hands are up in
21 the air?

22 A And then down and then like
23 this (indicating). She said the cops they
24 just came, stopped her and took her car.

25 MR. LAWLOR: So the witness by

1 S. DIAZ

2 counsel it looks like he put his hands
3 in the air and then down and moving
4 them back and forth.

5 Q Could you characterize that as
6 maybe, like, dancing?

7 A She didn't specifically say
8 dancing.

9 Q How did you interpret those
10 hand motions, if at all?

11 A I didn't interpret anything at
12 the time.

13 Q When you say at the time
14 subsequently did you interpret those motions
15 in any different way?

16 A No.

17 Q Continuing what happened next?

18 A I was trying to inquire more
19 about the story that she was saying. She said
20 that they took her out of the car and put her
21 in a police car, drove her to a precinct,
22 dropped her off and they took her car. And
23 then I was trying to figure out what happened
24 because it wasn't making sense what she was
25 saying because basically the cops are not just

1 S. DIAZ

2 going to take your car, put you in a car and
3 just drop you off and not either give you a
4 summons or arrest you or anything like that.

5 Q Did she ever tell you she lost
6 a summons?

7 A A summons?

8 Q She lost the summons?

9 A She never spoke to me about no
10 summons or arrest. I told her that the cops
11 are just not going to stop you for no reason
12 and take your car and put you in a car and
13 drop you off in a location if you haven't been
14 either arrested or with the intention to
15 receive a summons or something like that.
16 Because I was trying to figure out the story
17 that she was telling me about that she was
18 driving with her hands like this and like that
19 and the cops just came and took her car.

20 Q Did you ever subsequently find
21 out what happened to her car?

22 A No.

23 Q Were you ever told by anybody
24 what happened to her car?

25 A No.

1 S. DIAZ

2 mean they have to be permanently all the time
3 there. They can step out and use the bathroom
4 and come back and stuff like that. But you
5 have to ask them what's the procedure.
6 Usually a supervisor who is in charge of the
7 desk.

8 MR. LAWLOR: To the extent not
9 already provided we will call for the
10 log that states who was at the desk for
11 the period of time that this
12 interaction took place.

13 MR. LAX: Follow-up in writing
14 and we'll work it out.

15 Q Now, from the time that you
16 first interacted with Ms. Brock until then now
17 we're at the point when she is giving you
18 something, something, something as her date of
19 birth how long had that taken?

20 A That went back and forth for
21 more than twenty minutes, half an hour. I
22 think other people spoke to her, but I don't
23 remember who did or not.

24 Q Were they other members of the
25 service?

1 S. DIAZ

2 A Yes, but I don't remember who.

3 Q At any time during that 20 to
4 30 minutes --

5 A That's approximately.

6 Q Of course. At any time in that
7 20 or 30 minutes did you leave and somebody
8 else interacted with her when you weren't
9 there?

10 A Not that I remember.

11 Q At any time in that 20 to 30
12 minutes did she utilize any weapons?

13 A She would have been arrested if
14 she was utilizing weapons.

15 Q I understand that. I just need
16 you to answer my question.

17 A No.

18 Q In that 20 to 30 minutes did
19 she make any physical threats of violence
20 towards you or any of the officers there?

21 A No, she didn't.

22 Q In the 20 to 30 minutes that
23 this took place, and again that's your
24 approximation so I'm not holding you to it
25 exactly, did she threaten to kill herself or

1 S. DIAZ

2 commit serious physical harm to herself?

3 A No.

4 Q Now, at the end of this 20 to
5 30 minute stretch what happened? Did she
6 leave the precinct, did somebody else take
7 over for you, something else?

8 A There was one point she was
9 there and then she started playing with a flag
10 hiding behind it like she was a four year old
11 girl. I told her to stop, we told her that
12 she wasn't providing the information that we
13 needed to help her and that she needed to
14 leave the premises. She left, came back and
15 she left again running to the street in the
16 middle of the street.

17 Q Let's go back to the flag.
18 Where is the flag in relation to this zone
19 we're talking about now, the gate near the
20 desk?

21 A It's behind the gate where she
22 was in the waiting area. There's a little
23 waiting area there.

24 Q What was she actually doing
25 with the flag that you recall?

1 S. DIAZ

2 A She was pulling the flag,
3 hiding behind it.

4 Q Was this during a period of
5 time where she was not interacting with you?

6 A I was standing there and I was
7 trying to get information and she actually did
8 walk away from me and went and played with the
9 flag because I was waiting for her to see if
10 she was going to give me the information, her
11 pedigree information to try to see if I can
12 call 311 and see if that vehicle was towed or
13 impounded or something like that.

14 Q So you're interacting with her
15 asking her information and she on her own goes
16 to the flag and starts to hide behind it?

17 A Yes.

18 Q Did you say anything in
19 response to that?

20 A I believe I told her to stop
21 what she was doing.

22 Q Did she comply?

23 A Not at the time until we told
24 her that she had to leave the premises.

25 Q How long did that take from the

1 S. DIAZ

2 moment that you saw her go over to the flag
3 until you told her she had to leave the
4 premises?

5 A Maybe four or five minutes.

6 Q Is that during the period of
7 time of the twenty to thirty that you
8 approximated earlier or is that now after the
9 first twenty to thirty?

10 A It's around the same time.

11 Q Is the flag observable from the
12 desk?

13 A Yes, it is.

14 Q So she complied with your order
15 to leave and she left?

16 A After multiple demands. I
17 believe even the desk officer told her to stop
18 doing what she was doing.

19 Q Okay, but I just need you to
20 answer my question. At some point she did
21 leave in compliance with your order to leave?

22 A Yes.

23 Q Where did you go after she
24 left?

25 A I believe I stayed behind the

1 S. DIAZ

2 gate where I was in that area.

3 Q Do you remember what time this
4 was, approximately?

5 A 7:00 P.M., 6:00, 7:00 P.M.

6 Q And then I believe you said she
7 came back, right?

8 A Yes.

9 Q How long between the time that
10 she complied with your command to leave and
11 she returned if you can estimate?

12 A Minutes. I would say five or
13 ten minutes.

14 Q And did you remain there during
15 that period of time kind of where the
16 interaction had initially been?

17 A I was in the area. When I saw
18 she was there again I went back and I told her
19 if she was ready to give me the information to
20 help her and she just --

21 Q I'm sorry, you told her --

22 A If she was ready to give me the
23 information from before because she wasn't
24 making sense. Basically she was telling me
25 this is my last name and then I asked her to

1 S. DIAZ

2 Q On that night what would have
3 been the normal breaks you would have taken;
4 just the one hour meal?

5 A Yes.

6 Q When do you normally take that
7 in the course of your --

8 A It varies.

9 Q Had you taken your break before
10 this interaction with Ms. Brock started?

11 A I don't recall. I don't
12 remember if I did or not. I would have to
13 refer to my memo book to see.

14 MR. LAWLOR: Let's mark the
15 memo book.

16 (Whereupon, memo book,
17 consisting of five pages, was marked
18 Plaintiff's Exhibit No. 1 for
19 identification, as of this date.)

20 Q After she left for the first
21 time before she came back did you make any
22 documentations in your memo book based on this
23 interaction?

24 A Not at that point, no.

25 Q Do you remember when you first

1 S. DIAZ

2 notated this interaction in your memo book?

3 A That's when I believe the
4 sergeant told us that we needed to request EMS
5 for her.

6 Q So when you requested EMS
7 that's when you wrote it up in your book?

8 A We don't usually document
9 things right away. We deal with the situation
10 and when it's feasible and we have the time it
11 could be right after the incident, an hour or
12 two hours after or before we end our tour of
13 work.

14 Q For this incident and to the
15 best you can remember do you remember when you
16 wrote in your memo book about the interaction
17 for the first time?

18 A I don't remember right now.

19 Q So now Ms. Brock came back, you
20 asked her if she was ready to give you the
21 information that you needed to help her and
22 did she give you that information?

23 A No. Well, she would say the
24 same thing that she told me before.

25 Q The something, something,

1 S. DIAZ

2 something?

3 A Yes, just with the last name.

4 Q Did she tell you her first name
5 without spelling it though? Did she say I'm
6 Kam, Kamilah or something like that to the
7 best you remember?

8 A Not that I remember.

9 Q And she told you her last name?

10 A Yes.

11 Q Did you search by her last name
12 just trying to guess at the spelling?

13 A What do you mean?

14 Q I think the point that you
15 needed this information was to try to look up
16 what she was telling you had happened the day
17 before, right?

18 A I needed the information to
19 call 311 and see if the vehicle was impounded.
20 They will ask you for the plate number of the
21 person.

22 Q But you were asking her her
23 name though too?

24 A Yeah. That was to look into
25 the, we have a property system.

1 S. DIAZ

2 was screaming. She said my car, my car, my
3 car is here and I said we don't have your car
4 I was trying to explain to her. I said I need
5 your plate number for me to look it up.
6 Provide me your pedigree information, last
7 name, first name and she kept repeating the
8 same thing. I told her that she had to leave
9 and she ran out into the street where the
10 traffic was. At that point the sergeant said
11 we need to call an ambulance and have her
12 checked out.

13 Q We'll get there. The second
14 interaction from when she came back until she
15 went outside how long was that one?

16 A Maybe like ten minutes I would
17 say.

18 Q So now would it be fair to say
19 you had been dealing with Ms. Brock for,
20 approximately, forty-five minutes at this
21 point?

22 A I would say forty-five minutes.
23 to an hour.

24 Q Is it further fair to say that
25 obviously you were getting a little frustrated

1 S. DIAZ

2 A No, she just ran out of the
3 precinct because we told her that she needed
4 to leave the premises. And we actually were
5 going to escort her out so I came out of the
6 precinct and actually saw her when she ran
7 out.

8 Q So you had ordered her to leave
9 and she was compliant with that?

10 MR. LAX: Objection.

11 A At the beginning she didn't
12 want to leave, but then once we told her we
13 want to arrest her that's when she ran out of
14 the building.

15 Q What was your basis for
16 arresting her at that point?

17 A Trespass.

18 Q For trespass at the precinct
19 trying to get her car back?

20 A Not for that because it would
21 be for trespass because if you go to a
22 precinct for business basically we're trying
23 to help you. If at one point it's established
24 that you don't have no business in the
25 premises and you become destructive meaning

1 S. DIAZ

2 unique questions, but I have to ask them.

3 Have you ever had your own personal vehicle
4 stolen?

5 A Yes.

6 Q Do you remember when that was?

7 A No, it was sometime ago.

8 Q Now, after she had left the
9 precinct and she was in the street this is
10 Eighth Avenue?

11 A Yes.

12 Q She did not tell you where she
13 was going right when she left?

14 A No, she didn't.

15 Q What was she doing in the
16 street at that point?

17 A She was standing there in the
18 street and there was traffic coming so I had
19 to go and take her from the street and tell
20 her that she needed to get out of there before
21 she got hit by a car.

22 Q What part of the street was she
23 in?

24 A I don't remember exactly what
25 part, but she was in the street.

1 S. DIAZ

2 Q When she left were you still in
3 the precinct, I'm talking right initially
4 after, and then you went outside or were you
5 outside holding the door open saying hey, get
6 out of here or something like that?

7 A When she was in the precinct I
8 opened the gate and told her you need to leave
9 the premises otherwise you're going to get
10 arrested and that's when she ran out and I
11 followed to see where she was going and that's
12 when she went into the street and I was
13 telling her to get out of the street and she
14 didn't want to get off the street so I had to
15 hold her and bring her back to the sidewalk.
16 That's when the sergeant came and said we need
17 to call an ambulance to get her assistance.

18 Q Do you remember what sergeant
19 this was?

20 A The desk sergeant.

21 Q And you think that could be
22 Sergeant Morant?

23 A Yes.

24 Q Is it Sergeant Morant or you
25 think it is?

1 S. DIAZ

2 A It is Sergeant Morant. She was
3 the desk sergeant.

4 Q So now you're assisting her
5 back towards the precinct?

6 A Yes.

7 Q When she first went outside
8 could you observe what the traffic signals
9 were or anything like that?

10 A I don't remember. I know there
11 was cars coming.

12 Q And then you bring her back in.
13 Did she comply with your instructions to go
14 back in?

15 A We had to hold her because she
16 wanted to leave running.

17 Q She wanted to leave the area?

18 A Yeah. And we told her she had
19 to wait for the ambulance to come so they can
20 speak to her.

21 Q Did you tell her that she was
22 under arrest at that point?

23 A She wasn't under arrest.

24 Q Did you tell her she was free
25 to leave?

1 S. DIAZ

2 A She was being detained until
3 the ambulance came.

4 Q Did you tell her that?

5 A Yes.

6 Q What was her reaction to that,
7 if anything?

8 A I don't remember specifically
9 what she said.

10 Q And then did you go back into
11 the precinct?

12 A We were there waiting for the
13 ambulance, yes, in the waiting area.

14 Q Did she sit there while you
15 were waiting for the ambulance?

16 A I don't remember if she sat
17 down or not.

18 Q But she was in this little
19 waiting zone by the gate?

20 A Yeah.

21 Q Did she attempt to leave at any
22 point after that?

23 A When the ambulance came, the
24 EMS people, yeah, she was trying to leave so
25 we had to restrain her.

1 S. DIAZ

2 Q Did she say anything or she
3 just tried to walk out?

4 A I don't specifically remember
5 what she said.

6 Q Were you waiting with her this
7 entire time?

8 A Yes.

9 Q Was there anybody else there
10 other than Sergeant Morant?

11 A PO Reny I believe was there.

12 Q Approximately, how long was
13 this time period?

14 A I don't really remember how
15 long. Sometimes you call the ambulance and
16 they take five minutes, ten, fifteen, twenty.
17 It could be anything.

18 Q But in that period of time from
19 when she came back until the ambulance got
20 there she remained with you?

21 A Yes.

22 Q Now, the ambulance shows up.
23 Do you remember who the EMTs were?

24 A I believe the information is in
25 my memo book.

1 S. DIAZ

2 A I don't remember. I think they
3 usually speak to us first to see what the
4 situation is and then they speak to the
5 person.

6 Q Do you remember what, if
7 anything, you said to the EMTs or paramedics
8 the first time you spoke with them?

9 A I basically told her everything
10 that was happening in relation to what she was
11 here for and what she did that she ran into
12 the street in the traffic and we told her to
13 come back and then they spoke to her and they
14 are the ones that made the determination if
15 she has to go to the hospital or not.

16 Q To the best that you can
17 remember the conditions at the time was it
18 dark out yet or was it still light?

19 A It was summer time so usually
20 the sunset takes longer.

21 Q When you say you spoke to the
22 paramedics and EMTs about what happened it's
23 the same thing you told us here today?

24 A Yes.

25 Q Did you observe them eventually

1 S. DIAZ

2 go speak to Ms. Brock?

3 A Yeah, they spoke to her.

4 Q Could you overhear that
5 conversation?

6 A No, I don't remember because I
7 don't usually get involved when they're
8 speaking.

9 Q But did you see them speaking
10 to each other?

11 A They spoke to her, yeah.

12 Q But you couldn't hear what was
13 said?

14 A No, I didn't hear anything.

15 Q And then what happened next, if
16 anything?

17 A We told her we were going to
18 take her to the hospital and then she became a
19 little outraged. She didn't want to go so we
20 had to handcuff her and restrain her in order
21 for her not to get harmed or us and place her
22 in the ambulance.

23 Q When you say us you mean the
24 other officers or the EMT paramedics?

25 A Yes.

1 S. DIAZ

2 Q Going from the time when you
3 first came and met with her now until the
4 handcuffs at any point in that period of time
5 did she threaten serious harm to you or any of
6 the other officers at the precinct?

7 A What do you mean by that? Did
8 she say anything?

9 Q I'm going to kill you or I'm
10 going to murder you or anything like that.

11 A Not that I remember.

12 Q At any point in that same
13 period of time did she say she was going to
14 commit serious harm to herself?

15 A If she verbally said anything?

16 Q Yes.

17 A Not that I remember.

18 Q At any point in that same
19 period of time did she use any weapons or
20 anything against either yourself, any of the
21 other officers or paramedics or EMTs?

22 A No.

23 Q You said she was then
24 handcuffed and placed into the ambulance; is
25 that accurate?

1 S. DIAZ

2 Q When you say the same thing the
3 something, something, something?

4 A Yes.

5 MR. LAWLOR: Off the record.

6 (Whereupon, a discussion was
7 held off the record.)

8 Q Now, did you ever ask her for
9 ID?

10 A Yes.

11 Q Did she refuse to comply with
12 that?

13 A She didn't have no ID on her.

14 Q So is it fair to say then your
15 last interaction with her was when she was
16 handcuffed and placed in the ambulance?

17 A I escorted her to the hospital.

18 Q Are you in the ambulance
19 itself?

20 A Yes, I was in the ambulance.

21 Q Were there any other officers
22 in the ambulance with you to the best that you
23 can remember?

24 A No, not that I remember.

25 Q When she was out in the street

1 S. DIAZ

2 as you testified to do you remember what the
3 traffic conditions were at the time? I don't
4 know that area.

5 A Usually a lot of cars pass
6 through there, but I know there was cars
7 coming and that's what concerned me and the
8 other officers that she was in the middle of
9 the street and most likely was going to get
10 hit by a car.

11 Q Did she?

12 A She didn't get hit because we
13 moved her from the street.

14 Q Did you hear any honking of
15 horns or anything like that or screeching of
16 tires while you were out there?

17 A No.

18 Q What hospital did you go to?

19 A I believe it's in the memo
20 book.

21 Q Do you remember off the top of
22 your head?

23 A I think it was Harlem Hospital.

24 Q When you got there what is
25 required of you at that point?

1 S. DIAZ

2 A I have to wait until the nurse
3 does the preliminary tests that they do like
4 the blood pressure and stuff.

5 Q Do you stay with Ms. Brock at
6 that point?

7 A Yes.

8 Q Is she handcuffed still?

9 A Yeah, she is handcuffed.

10 Q Approximately, how long would
11 you say that took until those tests were
12 complete?

13 A We were waiting there for a
14 long period of time. I would say a half an
15 hour to an hour.

16 Q Were you having any
17 conversations with Ms. Brock during this
18 period?

19 A Not that I remember. I don't
20 believe I said anything to her, no.

21 Q Were you present when the nurse
22 took any sort of information from Ms. Brock?
23 Name if she gave it or if she did the
24 something, something, something again or
25 personal information?

1 S. DIAZ

2 A I think at that point they had
3 the information that we provided.

4 Q Which would have been Brock,
5 eight and G would have been the other thing,
6 right?

7 A No, that's the plate number.

8 Q That would be the only
9 information you had at that juncture?

10 A Yes. Well, I had all the
11 information that I acquired.

12 Q How did you acquire that?

13 A I went into a system that we
14 have, a search system.

15 Q How does that work?

16 A That's a system that we use
17 when usually you arrest somebody or are going
18 to issue them a summons. It's to show you the
19 history of the person with the NYPD like the
20 arrests.

21 Q Is it fair to say their rap
22 sheet?

23 A Yes.

24 Q How did you search for her on
25 that if you just had the other stuff that you

1 S. DIAZ

2 got earlier? You just put Brock and figured
3 it out?

4 A Yes. I put Brock how I thought
5 it was spelled and a lot of names came up and
6 I started looking.

7 Q And whittled them down?

8 A Yeah.

9 Q After they finished the test I
10 think you said you were there for about an
11 hour. Do you leave then at that point or
12 something else?

13 A Yeah, I leave.

14 Q So you're done?

15 A Yeah. Once she gets seen by
16 the nurse and they do what they have to do we
17 leave. She was not under arrest. We were
18 just there to make sure she got to the
19 hospital, that's it.

20 Q So she wasn't under arrest at
21 that point?

22 A No.

23 Q Would it be fair to say that
24 you closed out your interaction with Ms. Brock
25 on that day?

1 S. DIAZ

2 A Yes.

3 Q Do you remember what time you
4 left the hospital that day?

5 A It would be in my memo book.
6 9:00 P.M., 9:00 or 8:00. I know it's in my
7 memo book. I would have to look it up.

8 Q So then what happened? Did you
9 go back to the precinct?

10 A Yes, I went back. I did
11 something else and then I went back. I think
12 we put gas in the car and then we went back to
13 the precinct.

14 Q Did somebody else follow you in
15 the ambulance?

16 A Yes.

17 Q When you got back to the
18 precinct did you write up the various things
19 that had transpired here?

20 A I believe either once I got to
21 the precinct or before EOT, end of tour, when
22 I found the time I did the reports necessary
23 for the incident.

24 Q And that would have been an
25 aided report?

1 S. DIAZ

2 what the notation would be for the first
3 interaction with Ms. Brock in this book?

4 A It says 19:00, 7:00 P.M.

5 Q What does it read there? Is
6 that your handwriting?

7 A Yes. It's a pickup of an EDP
8 at 2770 Eighth Avenue, New York, station house
9 has the name Brock, Kamilah, date of birth
10 8/17/82. Address of 1109 Kramer, I believe
11 that's circled.

12 Q Court there maybe?

13 A Yes. Baldwin, New York.

14 Q And then the next entry?

15 A I can barely see this.

16 Q I think it's an hour later,
17 right?

18 A Yeah, 20:10 or 20:00 it says 84
19 Harlem Hospital.

20 Q And that means you're at Harlem
21 Hospital at that point?

22 A Yes, we arrived. That's
23 usually an approximate time. Sometimes we
24 don't update it right away so we go --

25 Q It's not done

1 S. DIAZ

2 phone number, the ACR number.

3 Q That stands for ambulance call
4 report?

5 A Yes, that's the number the EMS
6 people gave us. That's the bus number meaning
7 that's the ambulance sector that was assigned
8 to that job which is 13E. Usually we only
9 take one number and name from the EMS so I
10 took EMS Sevorwell shield number 2956.

11 Q What is this page? Is this
12 part of your memo book, is that a separate
13 page?

14 A No, that's the back of the memo
15 book.

16 Q Is this where you just jot down
17 notes as you're working?

18 A Yes.

19 Q You had written Brock here a
20 couple times above that. Was that what she
21 gave you initially, you were trying to sound
22 it out?

23 A Yeah, I was trying to sound it
24 out.

25 MR. LAWLOR: Let's mark this.

1 S. DIAZ

2 A At the first look it has most
3 of the stuff like the pedigree information
4 that I provided, the occurrence time is around
5 the time that I put in which is 19:45, it has
6 the address of the occurrence.

7 Q You don't have to voice it out
8 loud. You just look at it and you tell me if
9 there's something that you think is inaccurate
10 let me know. If there's not then that's fine
11 too and we'll move on.

12 A I would say yes. It says
13 danger to self and it would have to be a Y for
14 yes.

15 Q But it's a no on there?

16 A Yes.

17 Q Do you remember filling out a
18 Y?

19 A I believe I did, yes, but I
20 would have to see the hard copy.

21 Q Do you keep the hard copy?

22 A No.

23 Q Do you know what happens to the
24 hard copy?

25 A Once I hand it in to the desk

1 S. DIAZ

2 officer the desk officer reviews the
3 information and they sign it and then they
4 hand it to the clerk. After that I don't know
5 where they send it.

6 Q That's handwritten by you?

7 A Yes.

8 Q And is that a field on the
9 written document that you check out or
10 something like that?

11 A Yeah.

12 Q So your testimony is you would
13 have put a Y?

14 A No, I would have put a check
15 mark.

16 Q Check yes, she was a danger?

17 A Yeah.

18 Q Do you believe you did that?

19 A I believe yes.

20 Q And this was reviewed by the
21 desk sergeant?

22 A You hand it in to them, yes.

23 Q But it's no on this sheet?

24 A Yeah, it says no on here.

25 MR. LAWLOR: To the extent that

1 S. DIAZ

2 that exists the original that's filled
3 out we'll follow-up in writing for
4 that.

5 Q I have some questions for you
6 that I'm obligated to ask you. It's nothing
7 personal. Have you ever been subject of any
8 disciplinary action by the NYPD?

9 A No.

10 Q Have you ever been investigated
11 by the IAB?

12 A No.

13 Q To your knowledge have you ever
14 had any CCRB complaints made against you?

15 A Not that I'm aware of, no.

16 Q Prior to coming here today did
17 you review any documents?

18 A Yes, I did.

19 Q What did you review?

20 A I think I went over the aided
21 card.

22 Q When you say the aided card
23 would it be the one I showed you, not the
24 original one you filled out?

25 A The one you showed me. The